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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

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JUL 31 2007

OFFICE OF PETITIONS

In re Application of
Don A. Andrews, et al.
Application No. 09/895,424
Filed: June 29, 2001
Attorney Docket No. 010134

ON PETITION

This is a decision in response to the petition, filed March 2, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed March 30, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed on January 2, 2007. In response, on March 2, 2007, the present petition was filed.

It is noted that petitioner submitted a fee of \$500 for consideration of this petition. Since the requisite petition fee is \$1,500, the \$1,000 balance of the petition fee is being charged to counsel's deposit account as authorized. Further, extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the \$1,020 extension fees submitted with this petition are being credited to counsel's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2154 for appropriate action by the Examiner in the normal course of business on the reply received March 2, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of) Date of Notice of
Don A. Andrus, et al.) Allowance: n/a
Serial No.: 09/895,424) Batch No.: n/a
Filed: 6/29/01) Examiner: Wen Tai Lin
For: IMPLEMENTING AND) Group Art Unit: 2154
COORDINATING)
CONFIGURATION OF)
PROTOCOLS)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b))

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. This application became abandoned on 10/1/06
2. This petition is filed:

within one year of the date of abandonment.
 within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a) which was filed within one year of the date of abandonment.
 the three month period has been extended up to (Type Date).
 enclosed is a petition and fee for extension of the three month period to (Type Date).

Adjustment date: 07/31/2007 CKHLOK
03/05/2007 INTEFSW 00000576 170026 09895424
01 FC:1452 500.00 CR
02 FC:1253 1020.00 CR

FILED ELECTRONICALLY

3/2/07

(Date of Deposit)

Darla Kasmedo

(Name of the Person Making the Deposit)

/Darla Kasmedo/

(Signature)

3. This application became abandoned unintentional.

4. Proposed response:

- has been filed.
- is attached.
- The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

5. Fee (37 CFR 1.17(m))

Application status is:

- small entity – fee \$750.00.
 - Verified Statement attached.
 - Verified Statement filed.
- other than small entity – fee \$1,500.00.

6. Payment of fee:

- Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated in the amount of \$1500.00.
The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment, to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed.
- The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

The undersigned declares further that all statements made herein are of his or her own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated 3/2/07

By: George C. Pappas

George C. Pappas, No. 35,065
858-651-1306

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Facsimile: (858) 658-2502

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: <u>07/30/07</u>		2 Serial/Patent # <u>09/895,424</u>			
3 Please refund the following fee(s):			4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing				\$
<input type="checkbox"/>	Amendment				\$
<input checked="" type="checkbox"/>	Extension of Time				\$ 1,020.00
<input type="checkbox"/>	Notice of Appeal/Appeal				\$
<input type="checkbox"/>	Petition				\$
<input type="checkbox"/>	Issue				\$
<input type="checkbox"/>	Cert of Correction/Terminal Disc.				\$
<input type="checkbox"/>	Maintenance				\$
<input type="checkbox"/>	Assignment				\$
<input type="checkbox"/>	Other				\$
			7 TOTAL AMOUNT OF REFUND	\$ 1,020.00	
			8 TO BE REFUNDED BY:		
			Treasury Check		
			Credit Deposit A/C #:	9 <input type="text"/> <input type="text"/> <input type="text"/> -- <input type="text"/> <input type="text"/> <input type="text"/>	
10 REASON:					
<input type="checkbox"/>	Overpayment				
<input type="checkbox"/>	Duplicate Payment				
<input checked="" type="checkbox"/>	No Fee Due (Explanation):				
extension filed after extendable period					
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME: <u>Sherly D. Brinkley</u>			TITLE: <u>Petitions Examiner</u>		
SIGNATURE: <u>Sherly D. Brinkley</u>			PHONE: <u>2-3204</u>		
OFFICE: <u>Petitions</u>					
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****					
APPROVED: <u>Chh</u>			DATE: <u>7/31/07</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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Refund Branch
Crystal Park One, Room 802B